

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT T. ALMY, on
behalf of himself and all other persons
similarly situated known and unknown,

Plaintiff,

v.

KICKERT SCHOOL BUS LINE, INC.,

Defendant.

Case No. 08 C 2902

Judge Dow, Jr.

JOINT INITIAL STATUS REPORT

The parties, by their undersigned attorneys, submit this initial status report:

A. Nature of the Case

1. Attorneys of Record

Douglas M. Werman
Maureen A. Bantz
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Attorneys for Plaintiffs

Harry Sangerman
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Attorneys for Defendant

2. Basis for Federal Jurisdiction

The Court has federal question jurisdiction over Plaintiffs’ Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*) claim pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over Plaintiffs’ Illinois Minimum Wage Law (820 ILCS 115/1 *et seq.*)(“IMWL”) claims pursuant to 28 U.S.C. § 1367.

3. Nature of Claims Asserted and Expected Counterclaims

This case involves federal and state claims for unpaid overtime wages. Defendants deny there is any violation of the above referenced statutes. No counterclaims were asserted by

Defendants.

4. Parties Not Served

All parties have been served.

5. Principal Legal Issues

- a. Whether Plaintiffs are exempt from the overtime pay requirements of the FLSA and IMWL;
- b. Whether the number of hours that Plaintiffs worked in excess of forty (40) hours in individual work weeks, if any, are compensable as overtime work under the FLSA and IMWL;
- c. Whether Defendants violated the FLSA and the IMWL;
- d. If Defendants violated the FLSA and/or the IMWL, what damages are recoverable; and
- e. Whether certain of Plaintiffs' claims are pre-empted by the NLRA and FAA.

6. Principal Factual Issues

- a. The nature of Plaintiffs' work in relation to FLSA and IMWL exemptions;
- b. The number of hours that Plaintiffs worked in each work week;
- c. The wages Plaintiffs were paid each work week;
- d. The method in which Defendants calculated Plaintiffs' wages;
- e. The amount of Plaintiffs' damages, if any.

7. Jury Demanded

A jury trial has not been demanded.

B. Proceedings to Date

1. Substantive Rulings.

No substantive rulings have been issued in this case.

2. Pending Motions

No motions are pending in this case.

3. Anticipated Motions

The parties do not anticipate any particular motions at this point in time.

4. Scheduling Order

No scheduling order has been entered in this matter.

5. Written Status Reports

No written status reports have been filed in this matter.

C. Discovery Plan

1. Commencement of Discovery

Discovery has not yet commenced.

2. Status of Discovery

No discovery has yet been issued.

3. Discovery Cut-off Date

No discovery cut-off date has been set.

4. Discovery Disputes

No discovery disputes are pending.

5. Suggested Discovery Cut-Off Date

The parties suggest that the discovery cutoff date be set for January 13, 2009.

D. Trial

1. Trial Status

This case is not ready for trial.

2. Suggested Trial Date

The Parties anticipate they will be prepared to commence a trial in the Summer, 2009.

3. Estimated Length of Trial

The Parties are unable at this to estimate the length of trial in this matter.

4. Final Pre-Trial Order

A final pre-trial order has not been filed and is not in the process of being prepared.

5. Consent Before Magistrate Judge

The parties do not unanimously consent to proceed before a magistrate judge at this time.

E. Settlement

1. Status of Settlement Discussions

The parties are interested in exploring the possibility of early resolution of this matter. Plaintiffs have requested that Defendants provide them with their time and payroll records to facilitate settlement of this matter.

2. Settlement Conference

The Parties do not request a settlement conference at this time.

For Plaintiffs:

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Dated: July 14, 2008

For Defendants:

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Attorneys for Defendants

Dated: July 14, 2008